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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/806,020	03/23/2001	Kunio Sekiya	24555	4982

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POTTER ANDERSON & CORROON LLP
ATTN: KATHLEEN W. GEIGER, ESQ.
P.O. BOX 951
WILMINGTON, DE 19899-0951

EXAMINER

HALPERN, MARK

ART UNIT	PAPER NUMBER
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1731

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DATE MAILED: 08/08/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/806,020		Applicant(s) SEKIYA, KUNIO	
	Examiner Mark Halpern		Art Unit 1731	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on 26 June 2002.

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-6 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 1-6 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some * c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892) 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s) _____. 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6) <input type="checkbox"/> Other: _____
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DETAILED ACTION

- 1) Acknowledgement is made of Amendment received 6/26/2002, Paper No. 4. Applicant amends claims 1 and 4, and offers two new claims for consideration. The new claims 8, 9, were renumbered by the Office and entered as claims 5, 6.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- 2) Claims 1-6, are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Donnelly (3,014,832).

Claims 1-4: Donnelly discloses a paper making process of fabricating a tissue. The process contains a Yankee drier 17' as shown in Figure 2. The drier surface is kept clean (col. 3, lines 15-20) by the release of an emulsified oil agent (col. 5, lines 1-22). It Donnelly discloses that the emulsified oil agent is sprayed into the pressure nip 16'

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formed between the drying cylinder 17' and the associated press roll 19' (col. 7, line 50 to col. 8, line 30, and Figure 2). It is anticipated, or in the alternative, obvious that spraying of the emulsified oil agent into the nip sprays the agent onto the surface of the Yankee drier as it sprays the emulsified oil agent onto the web. The release agent application is continuous and uniform. It is inherent that the applied oil creates a thin oil film on the drier cylinder and the continuously applied oil fills any microscopic recesses on the surface of the drum. The release agent is applied between 0.02 and 2 pounds per ton of tissue web having a basis weight before creeping of 7.6 pounds per ream of 3000 square feet (col. 5, lines 34-46). The drying cylinder drum rotates at speeds of up to 3000 feet per minute (col. 6, lines 55-60).

Claims 5, 6: In Example I, Donnelly discloses a 6 % oil-in-water emulsion agent (col. 9, lines 46-48). This reads on a mixing ratio of from 5 to 70 % against the oil, recited in claim 6. The Example I, oil-in-water emulsion having 6% of oil, and thus 94% of water, calculates the water to oil ratio as 15.7. This reads on an agent wherein water is 3 to 30 times as much as oil, recited in claim 5.

Response to Amendment

- 3) Claims 1-4, rejection under 35 U.S.C. 112, second paragraph, is withdrawn in view of amended claims.
- 4) Applicant's arguments filed 6/26/2002, have been fully considered but they are not persuasive.

Applicant alleges that the cited prior art, Donnelly, teaches that the emulsified oil agent is applied to the web and not to the Yankee drier cylinder.

The argument is not well taken. Donnelly discloses that the emulsified oil agent is sprayed into the pressure nip 16' formed between the drying cylinder 17' and the associated press roll 19'. It is thus anticipated, or in the alternative, obvious that spraying of the emulsified oil agent into the nip sprays the agent onto the surface of the Yankee drier as it sprays the emulsified oil agent onto the web. This is clearly shown in Figure 2.

Conclusion

5) Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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h) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Halpern whose telephone number is 703-305-4522. The examiner can normally be reached on Mon-Fri, (9:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 703-308-1164. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7718 for regular communications and 703-305-3599 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0651.

MH

Mark Halpern
Patent Examiner
Art Unit 1731

August 2, 2002



PETER CHIN
PRIMARY EXAMINER